

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on April 23, 2003, and the references cited therewith. Claims 1, 9, 12, 13, 15, 21, 24 and 28 are amended and claims 2, 11, 16, 18-20 and 22 are canceled; as a result, claims 1, 3-10, 12-15, 17, 21 and 23-30 are now pending in this application.

Claims 26, 29 and 30

Applicant initially notes that claims 26, 29 and 30 do not appear to have been rejected or allowed. Clarification is respectfully requested.

§102 Rejection of the Claims

Claims 1, 3, 4, 9-13, 15-17, 24, 25 and 27 were rejected under 35 USC § 102(b) as being anticipated by Phillips et al. (U.S. 5,587,880). Applicant respectfully traverses the rejection because Applicant can not find in Phillips et al.:

- i. "a heater positioned to supply thermal energy to the coolant" in combination with "a pump to transfer the coolant from the condenser to the evaporator" as recited in amended claim 1.
- ii. "a heater to add thermal energy to the coolant" in combination with "a control connected to the heater to maintain the coolant at an optimum temperature for evaporation by the evaporator" as recited in amended claim 9.
- iii. "a heater constructed and arranged to supply thermal energy to the liquid coolant" in combination with "a pump to transfer the liquid coolant from the condenser to the evaporator" and "a control connected to the heater to maintain the liquid coolant at an optimum temperature for evaporation by the evaporator" as recited in amended claim 12.
- iv. "the heater adding thermal energy to the liquid coolant when there is liquid coolant within the evaporator to maintain the liquid coolant at an optimum temperature for evaporation by the evaporator" as recited in amended claim 15.
- v. "adding thermal energy to a liquid coolant to maintain the liquid coolant at an optimum temperature for evaporation by an evaporator" as recited in amended claim 24.

Claims 3, 4, 10, 13, 17 and 25 depend from respective claims 1, 9, 12, 15 and 24 such that these claims incorporate all the limitations of claims 1, 9, 12, 15 and 24. Therefore, Phillips et al. do not teach or suggest the subject matter of claims 3, 4, 10, 13, 17 and 25 for the reasons provided above with regard to claim 1, 9, 12, 15 and 24.

Reconsideration and allowance of claims 1, 3, 4, 9-10, 12-13, 15, 17, 24-25 and 27 is respectfully requested

First §103 Rejection of the Claims

Claim 5 was rejected under 35 USC § 103(a) as being unpatentable over Phillips et al. and in further view of Roberts (U.S. 4,026,348). Claim 5 depends from claim 1 such that claim 5 incorporates all the limitations of claim 1. Applicant respectfully traverses the rejection because Applicant can not find in Phillips et al. and/or Roberts:

- i. "a heater positioned to supply thermal energy to the coolant" in combination with "a pump to transfer the coolant from the condenser to the evaporator" as recited in amended claim 1.

Reconsideration and allowance of claim 5 is respectfully requested.

Second §103 Rejection of the Claims

Claims 7, 8, 21-23 and 28 were rejected under 35 USC § 103(a) as being unpatentable over Phillips et al. Applicant respectfully traverses the rejection because Applicant can not find in Phillips et al. any teaching or suggestion of:

- i. "a heater positioned to supply thermal energy to the coolant" in combination with "a pump to transfer the coolant from the condenser to the evaporator" as recited in amended claim 1.
- ii. "a control connected to the heater to maintain the liquid coolant at an optimum temperature for evaporation by the evaporator when there is liquid in the evaporator and to produce bubbles of gas in the liquid coolant to move the liquid coolant into the evaporator portion when there is no liquid in the evaporator" as recited in amended claim 21.
- iii. "a heater adapted to add thermal energy to the liquid coolant before the liquid coolant is evaporated by the evaporator" in combination with "a control adapted to be connected to the heater to maintain the liquid coolant at an optimum temperature for

evaporation by the evaporator when there is liquid in the evaporator" as recited in amended claim 28.

Claims 7-8 and 23 depend from respective claims 1 and 21 such that these claims incorporate all the limitations of claims 1 and 21. Therefore, Applicant traverses the rejection of claims 7-8 and 23 for the reasons provided above with regard to claim 1 and 21.

Reconsideration and allowance of claims 7, 8, 21, 23 and 28 is respectfully requested.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, Andrew Peret (262-646-7009) or the below signed attorney (612-349-9592) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

IOAN SAUCIUC ET AL.

By their Representatives,

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Date June 23, 2003

By Ann M. McCrackin
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 23 day of June, 2003.

Kacia Lee
Name

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Signature